

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SEDRIC DEON ARMSTRONG

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-658-KHJ-MTP

OFFICER CARLTON PIGG and
OFFICER MARLON ROSADO

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Michael T. Parker. [26]. That Report recommends that the Court dismiss this action in response to Plaintiff Sedric Deon Armstrong's ore tenus motion to dismiss. *See* June 2, 2022 Minute Entry. Written objections to the Report were due by June 16, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Armstrong appeared at an omnibus hearing before Magistrate Judge Parker on June 2, 2022 and moved to dismiss this case. [26]. He testified that his motion

was voluntary and that he understood dismissal would be with prejudice. *Id.* Receiving this testimony, the Magistrate Judge recommended that the Court grant voluntary dismissal under Rule 41(a)(2). *Id.* Armstrong did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [26] of United States Magistrate Judge Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiff Armstrong's ore tenus motion to dismiss be granted and this case DISMISSED with prejudice.

SO ORDERED AND ADJUDGED this the 21st day of June, 2022.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE